

## ASSETS

### Under Spousal Impoverishment Protection Law

Most assets (such as bank accounts, stocks, bonds, etc.) are considered as joint assets between a husband and wife. It does not matter in whose name they are placed.

#### What amount of a couple's assets is the spouse at home able to keep?

**MAXIMUM:** at least half of all countable assets, up to a total of **\$99,540** in 2006

**MINIMUM:** at least **\$19,908** in 2006

#### Example

Ward and June own \$100,000 worth of assets. Half of Ward and June's assets are \$50,000. This gives Ward a reserved asset amount of \$50,000.

The couple would need to spend their income and assets down to the reserved \$50,000, plus \$4,000 that is allowed by Medicaid (a total of \$54,000), before Medicaid would begin to help pay for June's nursing home costs.

In addition to half of the countable assets, the couple may also keep the home that is owned and occupied by Ward, one automobile and their household furnishings. The couple may also pre-pay for their funeral expenses.

#### Assessment of Resources

The Department of Health and Human Services will complete an assessment form to find out the total value of the couple's combined finances during the month of admission to the nursing home.

This assessment will help decide the amount of assets the spouse at home may keep. One must be able to show proof of assets owned.

The spouse at home should contact his/her local Health and Human Services office to fill out the assessment form.

#### **CAUTION!**

Persons who give away or transfer assets in order to get Medicaid help may end up waiting longer before Medicaid will help them.

## SHIIP

### Nebraska Senior Health Insurance Information Program

NE Department of Insurance  
941 "O" Street, Suite 400  
Lincoln, NE 68508-3639

Phone: (800) 234-7119  
TTY: (800) 833-7352

**For additional information,  
contact your local Health and  
Human Services office, or  
call 1-800-685-5456.**

Your nearest Area Agency on Aging may also be able to assist.



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# Nursing Home Resident

with a  
Spouse at Home

## Spousal Impoverishment Protection Law

2006

A description of  
the law that helps  
**PROTECT YOUR  
FINANCIAL  
RESOURCES**

*What would happen if my spouse was not able to live at home anymore? Would we have to spend all of our resources to pay for long-term care?*

**Let’s look inside the home of Ward and June:**

Ward is not able to take care of June at home anymore, due to her health. He is thinking about admitting her to the nursing home down the street.

- ◆ They own \$100,000 in resources (assets).
- ◆ Their total income is \$1,800 per month.

**Q: Does Ward have to spend all of their money before the state helps pay for June’s care?**

**A: No, because of the Spousal Impoverishment Protection Law.**

**Spousal Impoverishment Protection Law (1989)**

This federal law protects spouses of nursing home residents from losing all of their income and assets to pay for the nursing home spouse’s care. A couple’s assets and income will be divided according to the Spousal Impoverishment Protection Law.

**Medicaid**

Medicaid is a government insurance program that helps people with limited incomes and resources. To qualify for Medicaid help in paying for long-term care, the assets of a person must be at \$4,000 or less. Medicaid is administered by the Nebraska Department of Health and Human Services. There is an office in most counties.

**INCOME**

**Under Spousal Impoverishment Protection Law**

**At-Home Spouse**

Income in your name remains your own (Social Security, pensions, interest, dividends, etc.). The spouse at home will keep all of his/her personal income.

**Nursing Home Spouse**

The spouse in the nursing home may be required to use most of his/her income to pay for his/her care, except for a personal allowance of \$50 per month (\$90 per month for veterans).

**Spouse may be able to keep more**

After the income has been split, if the spouse at home gets less than **\$1,652 every month**, he/she may keep part of the nursing home spouse’s income, giving the spouse at home at least a monthly income of \$1,652.

If the spouse at home has to pay high rent, mortgage or utilities, he/she may be able to keep more of the nursing home spouse’s income.

**Example: (from Ward and June)**

Ward will keep all of his own income. Remember, if Ward’s income was lower than \$1,652 per month, he could keep part of June’s income.

Checks made out in June’s name would be considered hers and would go to the nursing home to pay for her care, unless a portion is needed for Ward. June may have \$50 from her income each month, as her allowance for personal needs. June will also continue to pay her Medicare supplement insurance premium with her income.

**Always check with the Nebraska Department of Health and Human Services Medicaid Program to determine eligibility. This information is provided for your guidance only.**